

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE COMPLAINT FILED)
BY HAI NGUYEN, SIOUX FALLS, SOUTH)
DAKOTA, AGAINST QWEST)
COMMUNICATIONS, INC. REGARDING)
UNAUTHORIZED SWITCHING OF SERVICES)**

**ORDER FINDING
PROBABLE CAUSE AND
NOTICE REQUIRING
ANSWER
CT00-024**

On January 19, 2000, the Public Utilities Commission (Commission) received a complaint filed by Hai Nguyen, Sioux Falls, South Dakota (Complainant), against Qwest Communications, Inc. (Qwest). The Complainant alleges that his long distance provider was switched without his authorization. Complainant requests that statutory remedies be applied.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On February 2, 2000, at a duly noticed meeting, the Complainant appeared via teleconference; the Commission considered this matter and determined that there was probable cause that an unlawful or unreasonable act, rate, practice or omission was committed by Qwest. Qwest appeared. Commission Staff recommended a finding of probable cause.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13 and 49-31. The Commission voted unanimously to find probable cause. It is therefore

ORDERED, that pursuant to ARSD 20:10:01:09, the Commission finds that there is probable cause of an unlawful or unreasonable act, rate, practice, or omission and the complaint shall be forwarded to Qwest and Qwest shall satisfy the complaint or file with the Commission its answer in writing within twenty (20) days of service of this order.

Dated at Pierre, South Dakota, this 11th day of February, 2000.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

LASKA SCHOENFELDER, Commissioner